



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

MAY 14 2007

Bryan Arroyo  
Acting Assistant Director for Endangered Species  
U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, D.C. 20204

Dear Mr. Arroyo:

The Office of Pesticide Programs (OPP), U.S. Environmental Protection Agency (EPA) respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) informal consultation. This consultation request addresses the potential effects of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and containing the active ingredient **diazinon**, to the Barton springs salamander. Our assessment resulted in a determination that the use of pesticides containing diazinon is Not Likely to Adversely Affect (NLAA) the Barton springs salamander directly or indirectly. Critical Habitat has not been designated by the U.S. Fish and Wildlife Service (FWS) for this species.

This assessment was conducted consistent with the scientific procedures outlined in the Agency's Overview Document<sup>1</sup> and the effects determination made by staff in the Environmental Fate and Effects Division (EFED) who have been trained by the FWS and certified to make NLAA determinations. Further, the attached assessment and effects determination has undergone review by our internal Peer Review Panel, on which were two reviewers also trained by the FWS and certified to make NLAA determinations. As you are aware, after having carefully reviewed the Overview Document, the FWS concluded that EPA's ecological risk assessment process "will produce effects determinations that reliably assess the effects of pesticides on endangered and threatened species [] and critical habitat pursuant to Section 7 of the [ESA] and [its] implementing regulations."<sup>2</sup>

The scope of this assessment is consistent with a Settlement Agreement into which the federal government entered with the Center for Biological Diversity and the Save Our Springs Alliance to resolve litigation brought against EPA under the Endangered Species Act. As a result, this assessment focuses only on the Barton springs salamander. EPA acknowledges that use of pesticides containing diazinon is not limited to the geographic scope of this assessment and that in the future, potential risks to other listed species will need to be evaluated by EPA.

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<sup>1</sup> Overview of the Ecological Risk Assessment Process in the Office of Pesticide Programs, Environmental Protection Agency (January 2004).

<sup>2</sup> Letter from the Services to Susan B. Hazen, Principal Deputy Assistant Administrator, OPPTS, EPA, p.1 (January 26, 2004)

As agreed to in the past, the subject assessment and effects determination and appendices are available to your staff from our Web site at <http://www.epa.gov/oppfead1/endanger/effects/> . Please let me know if you have any questions regarding this request or the materials I am providing to initiate informal consultation.

Enclosures

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur-Jean B. Williams', written in a cursive style.

Arthur-Jean B. Williams, Associate Director  
Environmental Fate and Effects Division (7507P)

Cc: Debbie Edwards  
Peter Caulkins